

# HOUSE BILL 40

R2

2lr0762

(PRE-FILED)

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By: **Delegates Smigiel, Cluster, Haddaway-Riccio, Hough, Kach, McComas, McDermott, Schulz, and Vitale**

Requested: October 20, 2011

Introduced and read first time: January 11, 2012

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Toll, Fee, or Other Charge Increases – Notice and Public**  
3 **Comment**

4 FOR the purpose of requiring certain staff of the Maryland Transportation Authority  
5 to provide, by a certain date, public notice regarding a proposal to increase  
6 certain tolls, fees, or other charges; requiring the Authority to make the  
7 proposal available to the public in a certain manner; requiring the Authority to  
8 receive comments from the public at the meeting at which the Authority votes  
9 to implement the proposal; and generally relating to notice and public  
10 comments regarding a proposal to increase certain tolls, fees, or other charges  
11 by the Maryland Transportation Authority.

12 BY repealing and reenacting, without amendments,  
13 Article – Transportation  
14 Section 4-101(h)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Transportation  
19 Section 4-312  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-101.

2 (h) "Transportation facilities project" includes:

3 (1) The Susquehanna River Bridge, the Harry W. Nice Memorial  
4 Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay  
5 Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort  
6 McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial  
7 Highway, together with their appurtenant causeways, approaches, interchanges,  
8 entrance plazas, toll stations, and service facilities;

9 (2) A vehicle parking facility located in a priority funding area as  
10 defined in § 5-7B-02 of the State Finance and Procurement Article;

11 (3) Any other project for transportation facilities that the Authority  
12 authorizes to be acquired or constructed; and

13 (4) Any additions, improvements, or enlargements to any of these  
14 projects, whenever authorized.

15 4-312.

16 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of  
17 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may  
18 continue to be charged on the John F. Kennedy Memorial Highway and any project  
19 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)  
20 of Chapter 608 of the Acts of the General Assembly of 1976.

21 (2) As to all or any part of any transportation facilities project, the  
22 Authority may:

23 (i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and  
24 other charges and revenues for its use or for its services; and

25 (ii) Contract with any person who desires its use for any  
26 purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or  
27 revenues for this use.

28 **(3) (I) AT LEAST 30 DAYS BEFORE A VOTE BY THE AUTHORITY**  
29 **TO IMPLEMENT A PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES**  
30 **ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE EXECUTIVE**  
31 **SECRETARY OF THE AUTHORITY OR OTHER APPROPRIATE STAFF DESIGNATED**  
32 **BY THE CHAIR OF THE AUTHORITY SHALL PROVIDE NOTICE OF THE PROPOSAL**  
33 **TO THE PUBLIC.**

1                   **(II) THE AUTHORITY SHALL MAKE THE PROPOSAL**  
2 **AVAILABLE TO THE PUBLIC ON THE OFFICIAL WEB SITE OF THE AUTHORITY.**

3                   **(III) THE AUTHORITY SHALL RECEIVE COMMENTS FROM THE**  
4 **PUBLIC ON THE PROPOSAL AT THE MEETING AT WHICH THE AUTHORITY VOTES**  
5 **TO IMPLEMENT THE PROPOSAL.**

6           (b) The rentals, rates, fees, tolls, and other charges and revenues designated  
7 as security for any bonds issued under this subtitle shall be fixed and adjusted from  
8 time to time, either with respect to a particular transportation facilities project or in  
9 respect of the aggregate of the charges and revenues from other transportation  
10 facilities projects under the control of the Authority, as may be specified by law or in  
11 any applicable resolution or trust agreement, so as to provide funds that, together  
12 with any other available revenues, are sufficient as long as the bonds are outstanding  
13 and unpaid to:

14                   (1) Pay the costs of maintaining, repairing, and operating the  
15 transportation facilities project or projects financed in whole or in part by one or more  
16 series of outstanding and unpaid bonds, to the extent that payment is not otherwise  
17 provided;

18                   (2) Pay the principal of and the interest on these bonds as they become  
19 due and payable;

20                   (3) Create reasonable reserves that are anticipated will be needed for  
21 these purposes; and

22                   (4) Provide funds for paying the cost of replacements, renewals, and  
23 improvements.

24           (c) (1) Except as otherwise provided in this subsection, the rentals, rates,  
25 fees, tolls, and other charges and revenues are not subject to supervision or regulation  
26 by any instrumentality, agency, or unit of this State or any of its political subdivisions.

27                   (2) This subtitle does not permit the exercise of any power or the  
28 undertaking of any activity that would conflict with the provisions and limitations of  
29 the federal Urban Mass Transportation Act of 1964.

30                   (3) Tolls for the use of the bridge carrying the John F. Kennedy  
31 Memorial Highway over the Susquehanna River may not be less than the comparable  
32 tolls charged for the use of the Susquehanna River Bridge.

33                   (4) Prior to fixing or revising tolls on any part of any transportation  
34 facilities project, the Authority shall provide, in accordance with § 2-1246 of the State  
35 Government Article, to the Senate Budget and Taxation Committee, Senate Finance

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1 Committee, House Appropriations Committee, and House Ways and Means  
2 Committee information on the proposed toll charges, including:

3 (i) The annual revenues generated by the toll charges;

4 (ii) The proposed use of the revenues; and

5 (iii) The proposed commuter discount rates.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2012.